

# **The Law of Georgia**

**on**

## **Environmental Permit**

This Law provides the legal foundation for participation of the public and for public information in the course of the issuance of an environmental permit for the performance of an activity on the territory of Georgia, in the process of state ecological examination and environmental impact assessment in the issuance of a permit and in decision-making on the issuance of a permit.

The operation of the Law is extended only over the activity, the implementation of which is proposed after the law goes into effect.

This Law does not cover the issuance of other kinds of permits for the activity.

## **CHAPTER I**

### **GENERAL REGULATIONS**

#### **Article 1. Purpose of the Law**

The purpose of the Law is to:

1. protect the health of humans, natural surroundings, material assets and cultural heritage in the course of the activity.
2. ensure the basic right of a citizen provided by the Constitution of Georgia-to obtain objective information on his or her work and on natural surroundings, ensure participation of the public in the decision-making, carried out by the state in the field of environmental protection, in order to promote democratic development of the country.
3. Take into consideration ecological, social and economic interests of the state and public in the decision-making, related to the implementation of the activity.

#### **Article 2. Task of the Law**

The task of this Law is to:

1. designate and protect the rights and obligations of an investor, public and state in the field of the issuance of an environmental permit for an activity.
2. Encourage protection of the environment and natural resources against the changes in quality and quantity, as well as rational use of them.

#### **Article 3. Definitions of the Terms**

"Activity"-a business enterprise or activity of all other kind, implementation of development and resettlement plans and projects, including the implementation of infrastructure projects and programs for the protection of water, wood, land, subsoil and other natural resources on the territory of Georgia, as well as the considerable reconstruction and technical renovation of the old enterprises.

"Investor"-a physical person or a legal entity, which is the initiator of the activity and applies for an environmental permit to the body authorized to grant this permit.

"Environmental Permit"-a written decision taken by the Ministry of Environment and Natural Resources Protection of Georgia or by its regional and local bodies, or by the Ministries of Environment and Natural Resources Protection of the Autonomous Republics of Abkhazia and Achara. The content, application form (how to register officially) and procedure of the issuance are different for the various categories of the activity. An environmental permit is the integrated permit, which involves granting permission to emit fumes, to dispose waste etc.

"Consulting Office"-a legal entity which is, in accordance with the regulations, entitled to give consultation in the field of environmental protection.

"Environmental Protection Standards"-such standards for any activity, which ensure ecological balance in the environment. Qualitative standards of environmental state designated for the purpose of environmental protection-maximum permissible levels for the amount of microorganisms and concentration of materials, harmful for the health of humans and environment in atmospheric air, water and soil; maximum permissible levels for noise, vibration, electromagnetic fields and other physical impact; maximum permissible levels for radiation impact; maximum permissible levels for the emission of harmful materials in the environment and for the pollution of the environment by the microorganisms; the limits to the use of chemicals in the environment, the ecological requirements to the production; the levels permitted for the exploitation of the environment.

"Considerable Reconstruction, Technical and Technological Renovation"-such as reconstruction, technical and technological renovation, for the fulfillment of which it is necessary to elaborate a project reasonable technically and economically.

"Regional Body of the Ministry of Environment and Natural Resources Protection"-organizations subject to the Ministry of Environment and Natural Resources Protection of Georgia, in particular, regional (municipal) administrative boards for environment and natural resources protection, as well as the Committee of Environment Protection and Natural Resources Regulation of Tbilisi.

"Local Body of the Ministry of Environment and Natural Resources Protection"-the district structural subunits of the regional (municipal) administrative boards of the environment and natural resources protection of Georgia, of the Ministries of Environment and Natural Resources Protection of the Autonomous Republics of Abkhazia and Achara and of the Committee of Environmental Protection and Natural Resources Regulation of Tbilisi.

"The best Technology"- The best technology in environmental protection, which is usable and economically available, as well as the most effective for the prevention or mitigation to the minimum of adverse effects on the environment; It may not be wide-spread, but it is technically possible to assimilate, introduce and utilize this technology; and at the same time it is economically available for the investor.

## **CHAPTER II**

### **Procedure of Issuance of Environmental Permit**

#### **Article 4. Categories of the Activity**

1. Under this Law the activities are, in accordance with the scale, importance and degree of the impact on the environment, divided into four categories.

2. The first category involves the activities, which because of its nature, size or location are likely to have significant adverse and irreversible effects on the environment, on natural resources or health of humans.

The first Category of the Activity Involves:

##### **a) Extraction of Mineral Resources**

Extraction of subsoil resources (apart from the activity specified in paragraph 3 of Article 4 of this Law) and enrichment of mineral resources;

Building of overground and underground facilities related to the extraction and enrichment of mineral resources;

Deep drillings, especially for the extraction of thermal waters of deep circulation;

Collection of excavations and works related to their disposition.

##### **b) Energetic Industry**

Crude-oil refining and petro-chemical production;

Gasification and liquefaction of coal;

Coal coking;

Briquetting of coal and lignite;

Building of thermo electric power stations and other thermal installations (with a heat output of 10 megawatts or more)

Construction of main installations for carrying gas, steam, hot water and for transmission of electric energy;

Building of hydro-electric power stations (with a heat output of 10 megawatts or more);

Construction of dams, artificial reservoirs and other hydrotechnical facilities;

Building of nuclear reactors of any purpose and capacity;

Building of nuclear electric power stations;

Production or enrichment of nuclear fuel, reprocessing of irradiated nuclear fuel.

### **c) Agriculture**

Breeding of fish in natural reservoirs for the purpose of business;

Reclamation of land;

Use of agricultural land for the purposes of conversion to another type of land use (area of 50 hectares or more);

Implementation of the measures against potential harmful elemental processes.

### **d) Food Industry**

Manufacture of flour from fish and animal bones;

Manufacture of vegetable and animal oils and fats;

Manufacture of industrial starch;

Manufacture of preserved food (with an annual production of more than 5000 tones of materials);

Distillation of beer, liqueur, cognac, vodka and manufacture of vine (installations with an annual production of the 30 mln. liters);

### **e) Chemical Industry**

Chemical production of any type and capacity, including chemical treatment of half-finished products and production of chemicals; manufacture and treatment of pesticides and pharmaceutical products, paint and varnishes, peroxides and elastomers (rubber or elastomer based products); manufacture and packing of gunpowder or other explosives, production of accumulators and graphite electrodes; production of refrigerators.

### **f) Metallurgy**

Metallurgical industry of any type and capacity.

### **g) Engineering Industry and Ship-Building**

Machine-building, automobile, ship-building, aircraft and railway industry;

Ship-building, railway and aircraft repairing;

Manufacture of engines, turbines and reactors as well as testing of them.

### **i) Manufacture of Building Material**

Any manufacture where asbestos is used;  
Manufacture of cement;  
Manufacture of mineral pitch;  
Manufacture of glass and glass products.

### **j) Wood, Paper, Leather and Textile Industry**

Production of wood-shaving and wood-fiber files;  
Manufacture of artificial mineral fiber;  
Manufacture of cellulose, paper and pasteboard;  
Leather processing production;  
Construction of wool scouring, degreasing and bleaching factories;

### **k) Processing and Disposal of Waste**

Disposal of industrial and domestic waste, deposition and functioning of their storages, as well as the installations for treatment and incineration of waste.

Disposal of toxic, dangerous and radio-active waste, deposition and functioning of its storages and facilities for elimination of the waste.

### **l) Deposition and Functioning of Storage Facilities**

Deposition and functioning of overground and underground storage facilities of gas, oil, coal and petro-chemical products;

Deposition and functioning of the radioactive material depots.

### **m) Fulfillment of Infrastructure Plans, Projects and Programs**

Programs for urban-development and city-planning;

Programs for development of industry;

Programs for development of power system;

Projects for purification installations in populated areas;

Projects for forest use (including the projects for perspective plans for organization and directing of fishing and hunting farms);

Programs for development of transport infrastructures;

Schemes for land use in administrative-territorial units;

Projects for motor-ways, railways, airports, bridges and overpasses;

Projects for main pipe-lines of any purpose;

Projects for sea-ports and terminals;

Projects for underground motor and railway communications and metro;

Projects for hotel complexes and holiday villages;

Projects for sport complexes and buildings;

Projects for oncologic, infectious disease and tuberculosis hospitals;

Programs for long-term rehabilitation of protected territories;

Plans and projects for protection and use of water, wood, land, entrails of the earth and other natural resources located on the territory of Georgia;

Programs and projects for national, regional or local importance for deposition of economic and engineering installation of all kind, oriented to prevent the adverse effects resulting from the potential natural elemental processes on the territory of Georgia.

For all abovementioned activities an environmental permit is essential.

Before the infrastructure plans, projects and programs are adopted, approved or confirmed under the established order by the state legislative or executive bodies, it is necessary to obtain an environmental permit.

Environmental permit for the activity of the first category is issued by the Ministry of Environment and natural Resources Protection of Georgia.

The essential components of the procedure of the issuance of an environmental permit are:

-environmental impact assessment. The procedure is carried out in accordance with Chapter 3 of this Law;

-state ecological examination. The procedure is carried out under the established order.

-participation of the public in the decision-making.

3. The second category involves the activities, which because of size, nature or location are likely to have adverse effects on the health of humans or on the environment of that region, where the activity is proposed to be implemented.

The Activity of the Second Category Involves:

**a) Extraction of Mineral Resources**

Extraction of mineral resources and works for prospecting of minerals;

Exploitation of small quarries of building, inert and decorative materials (up to 100 000 tones per year) and prospecting works;

Prospecting and drilling of fresh drinking and mineral waters.

**b) Energetic Industry**

Construction of thermo electric power stations and other thermal enterprises of industrial purpose (with the heat output of 10 megawatts or less);

Construction of hidro electric power stations (with the heat output of 10 megawatts or less).

**c) Agriculture and Food Industry**

Use of uncultivated soil and natural (reserved) territories for intensive agriculture;

Building and functioning of inland economic systems for drinking and irrigation water supply;

Use of agricultural land (from 30 to 50 hectares) for the purposes of conversion to another type of land use;

Construction of complex poultry raring and stock-breeding farms;

Obtaining of urea from stock-breeding;

Establishing of the farms of maricultura and aquaculture;

Setting up fishing and hunting farms;

Manufacture sugar;  
Manufacture of jam, syrup and juices from fruit;  
Distillation of beer, liqueur, cognac and vodka, manufacture of wine (the installations with the productivity from 20 000 to 30 000 liters per year);  
Manufacture of dairy products;  
Yeast production;  
Establishment of smoking enterprises;  
Establishment of animal waste processing enterprises;  
Construction of cereal feed storage facilities;  
Establishment of enterprises for bottling of wine and nonalcoholic and alcoholic drinks;  
Recultivation of land (area of 100 hectares or more);  
Manufacture of preserved food (installations processing from 3000 to 5000 tones of material per year).

#### **d) Wood Industry**

Use of the land of forest fund (area of 100 hectares or more) for the purposes of conversion to another type of forest use;  
Wood-cutting on the wood-cutting area. (area of 500 hectares or more) including all kinds of cutting;

#### **e) Other Activities**

Printing works;  
Construction of the factories manufacturing wood and wooden furniture;  
Construction of enterprises manufacturing mineral and insulating cotton;  
Construction of limestone and white-wash enterprises;  
Works for communal economy, including canalization works;  
Production of fiber drying;  
Construction of brick and stone-tile enterprises;  
Construction of plaster tile enterprises;  
Construction of enterprises manufacturing building constructions;  
Establishment of enterprises manufacturing building materials from mineral materials;  
Construction of enterprises for washing the cisterns, designated for transportation of chemical products.  
Environmental permit for the activity of the second category is granted by the Ministry of Environment and Natural Resources Protection of Georgia.

The following procedures are the essential components of the issuance of an environmental permit:

-State ecological examination. The procedure is carried out in accordance with the rule provided by the laws;

-Participation of the public in the decision-making.

4. The third category involves the activity, which because of its size, nature or location are not likely to have significant effects on the environment.

The Activity of the third category involves:

#### **a) Agriculture and Food Industry**

Obtaining of plants of medicinal purpose in nature;  
Setting up the installations for the slaughter of animals;  
Establishment of enterprises for roasting of sunflower-seed and coffee beans;  
Establishment of egg enterprises (with the annual productivity of 40 tons or more);  
Use of agricultural land (area from 20 to 30 hectares) for the purposes of conversion to another type of land use;

Establishment of semi-prepared food manufacturing enterprises (with the productivity of 200 tons or more per year);

Construction of the houses for drying and cleaning of cereals and construction of silos.

Manufacture of non-alcoholic drinks;

Manufacture of tobacco;

Construction of the houses and facilities for storage of agricultural products;

Construction of hothouses of industrial importance;

Construction of houses, facilities and enterprises for storage and processing of cereals;

Construction of storage facilities for mineral fertilizers and vegetable-protecting chemicals;

Canning production (the installations processing from 2000 to 3000 tons of material per year);

Distillation of beer, liqueur, cognac, vodka and manufacture of wine (the installations with the productivity from 10 to 20 mln. liters per year).

#### **b) Forestry**

Use of the land of forest fund (the area from 50 to 100 hectares) for the purpose of conversion to another type of use;

Wood cutting on the wood cutting area (from 100 to 500 hectares), including all kinds of cutting).

#### **c) Other Activities**

Manufacture of flax;

Establishment of saw-mills (with the productivity of 1000 cb. m per year);

Construction of wood storage facilities (with the land and water sprinkling equipment);

Construction of ceramic enterprises;

Construction of inland economic motor ways;

Establishment of filling-stations;

Establishment of sea-ports for sailing boats;

Functioning of sterilizing machines (using the ethylene oxide) at the hospitals;

Establishment of communal washing-houses;

Construction of hospitals;

Establishment of communal washing-houses.

The regional bodies of the Ministry of Environment and Natural Resources Protection and of the Ministries of Environment and Natural Resources Protection of the Autonomous Republics of Abkhazia and Achara issue the environmental permit for the activity of the third category.

The following procedures are the essential components of the issuance of an environmental permit:

-State ecological examination. the procedure is carried out in accordance with the rule provided by the law;

-Public information about the proposed activity.

5. The activity of the fourth category involves the activities which is not listed in paragraphs 2,3 and 4 of Article 4 of this Law and are not likely to have significant effects on the environment.

The list of the activities of the fourth category is elaborated by the Ministry of Environment and Natural Resources Protection of Georgia. This list is approved by the same Ministry under the provision "on the List of the Activities of the Fourth Category Designated by the Procedure of the Issuance of an Environmental Permit".

Regional or local body of the Ministry of Environment and Natural Resources Protection issues an environmental permit for the activity of the fourth category.

State ecological examination is the essential component of the procedure of the issuance of an environmental permit. The procedure is carried out in accordance with the rule provided by the law.

### **Article 5. Applying for Environmental Permit**

1. In order to obtain environmental permit the investor is obliged to submit an application to the Ministry of Environment and Natural Resources Protection of Georgia or to the regional or local bodies of this Ministry, or to the Ministries of Environment and Natural Resources Protection of the Autonomous Republics of Abkhazia and Achara.

2. The investor must submit a written application in complete form.

3. The application must include the valid documentation, request of the investor for a permit for the activity, the project for the activity technically and economically validity of the activity, the account of environmental impact assessment (for the activity of the first category).

The application must state the following information:

- a) name of the proposed activity, name and address of the investor;
- b) site of the proposed activity;
- c) time-table of the beginning and completion of the activity, as well as the purpose of it;
- d) schemes of the buildings, which are necessary for the activity;
- e) brief description of technological process;
- f) list of the substances which will be obtained as a result of technological process;
- g) detailed description of those measures which are proposed in order to mitigate the impact on the environment and on social factors;
- i) list of natural resources which are proposed be used, as well as the amount of them;
- j) kind and amount of potential emission;
- k) methods proposed in order to ascertain the of the emission amount;
- l) kind and amount of the waste obtained as a result of manufacturing, potential places of its disposal, measures intended in order to reduce and recycle the waste;
- m) safety measures proposed in order to prevent the technogenic accidents.

4. The investor is obliged to submit the brief annotation, along with an application, for the activity of the first, second and third categories.

The annotation must state:

- name of the proposed activity and the name of the investor;
- site of the proposed activity;
- time-table of the beginning and completion of the proposed activity;
- purpose of the activity;
- category of the activity;
- address, where the representatives of public shall be able to acquaint with the documents related to the activity.

The information submitted in such a form shall be published in the press and shall be available for the public.

5. The investor is entitled to submit supplementary documents if, in special cases, he or she considers it necessary.

6. After the application has been completely received, the Ministry of Environment and Natural Resources Protection, the regional and local bodies of it and the Ministries of the Autonomous Republics of Abkhazia and Achara shall begin the procedure specified by the law.

7. The content and the form (rule of registration), of an environmental permit, as well as the form of an application to be submitted for an environmental permit, is defined by the Ministry of Environment and Natural Resources Protection of Georgia, on the basis of the regulations "on the Rule of Registration of Environmental Permit and Application to be Submitted in order to Obtain Environmental Permit".

#### **Article 6. Official, Industrial and Commercial Secrecy**

1. The investor is obliged to submit the complete description of the technological process to the Ministry of Environment and Natural Resources Protection even in that event, when the activity includes an official, production or a commercial secrecy.

That part of an application which includes an official, industrial or a commercial secrecy must be submitted separately by the investor.

2. The part which involves a secrecy must be attached a label and kept confidentially. This part of information must not be available for the public.

3. The body granting the environmental permit is obliged to keep a secrecy. The officials are permitted to get acquainted with a secrecy under the rule provided by the law.

4. The persons who are, in accordance with this Law, entitled to be acquainted with a secrecy shall be charged responsibility in accordance with the laws of Georgia, if they disclose it.

#### **Article 7. Procedure of Issuance of Environmental Permit for the Activity of the First Category**

1. The investor is obliged to carry out environmental impact assessment in order to obtain an environmental permit for the activity of the first category.

2. In order to carry environmental impact assessment and to ensure participation of the public in it the investor is entitled to:

- conduct a public review of the environmental impact assessment in accordance with Article 15 of this Law.
- ensure the availability of the research material obtained in the environmental impact assessment to the public.

3. The Ministry of Environment and Natural Resources Protection, after it has received the complete application for the activity of the first category is obliged to carry out a procedure specified by this Article,

which includes state ecological examination of the activity (the procedure of state ecological examination is regulated by the appropriate laws of Georgia) and participation of public in the decision-making on the issuance of a permit.

4. Within ten days as from the date of the receipt of an application, in order to inform the public, the Ministry of Environment and Natural Resources Protection is obliged to:

a) ensure the publication of an application, along with the brief annotation, in the press. The publication must be accompanied with the information on the date and place of a public review of the questions related to the fulfillment of the activity.

b) accept and review the remarks referred in writing by the representatives of public within 45 days after the information has been published.

5. Not later than two months as from the date of the receipt of an application The Ministry of Environment and Natural Resources Protection of Georgia is obliged to carry out a public review related to the fulfillment of the activity. The representatives of an investor, of the Ministry of Environment and Natural Resources protection, of local administrative bodies and public shall take part in it.

6. Three month term is prescribed as a maximum period for the examination of the valid documentation at the Ministry of Environment and Natural Resources Protection of Georgia.

7. The copy of an application is kept at that body of the Ministry of Environment and Natural Resources Protection, where the examination of the valid documentation on the activity is intended and where the representatives of public can acquaint with the application (apart from the part, which involves an official, industrial or a commercial secrecy) within the whole period of a review of an application.

8. Within this period the Ministry of Environment and Natural Resources Protection of Georgia is obliged to:

- carry out state ecological examination of valid documentation on the activity;
- clear up if the activity or the part of it corresponds to the laws of Georgia;
- clear up if the activity or the part of it corresponds to the environmental protection standards operating in Georgia;
- designate the measures, elaboration of which is necessary in the event of the performance of the activity in order to reduce the impact on the environment;
- take decision on the issuance of a permit on the basis of state ecological examination, taking into account the opinion of the public.

#### **Article 8. Procedure of Issuance of Environmental Permit for the Activity of the Second Category.**

1. Following an application for the environmental permit for the activity of the second category has been completely received, the Ministry of Environment and Natural Resources Protection is obliged to carry out a procedure specified by the law. The procedure includes state ecological examination of the activity and participation of the public in the decision-making on the issuance of a permit.

2. Within ten days as from the date of the receipt of an application the Ministry of Environment and Natural Resources Protection is obliged to ensure the publication of a brief annotation, submitted along with the application, which must be accompanied with the information on the place and date of a public review related to the question of the fulfillment of the activity.

For this purpose the Ministry of Environment and Natural Resources Protection is obliged to:

- a) ensure publication of the information in the press;
- b) within 45 days after the publication of information accept and review the remarks referred by the representatives of the public.

3. The copy of the application is kept at that organ of the Ministry of Environment and Natural Resources Protection, where the examination of valid documentation on the activity is proposed and where the representatives of public can acquaint with the application (apart from an official, industrial or a commercial secrecy) within the whole period of examination of an application, if they request so.

4. In order to ensure participation of the public in the process of the issuance of an environmental permit the Ministry of Environment and Natural Resources Protection is obliged to conduct a public review of the activity not later than two months as from the date of the receipt of an application. The investor, representatives of the Ministry of Environment and Natural Resources Protection and local administrative bodies shall take part in it.

5. Two month term as from the date of the receipt of an application is prescribed as a maximum period for the review of the valid documentation at the Ministry of Environment and Natural Resources Protection. During this period the Ministry of Environment and Natural Resources Protection is obliged to:

- carry out state ecological examination of the valid documentation on the activity;
- clear up if the activity or the part of it corresponds to the laws of Georgia;
- clear up if the activity or the part of it corresponds to the environmental protection standards operating in Georgia;
- designate the measures, elaboration of which is necessary in the event of fulfillment of the activity in order to reduce the impact on the environment;
- take decision on the issuance of an environmental permit on the basis of the decision of state ecological examination.

#### **Article 9. Procedure of Issuance of Environmental Permit for the Activity of the Third Category**

1. As from the date of the receipt of an application in full form the activity of the third category, the regional bodies (hereinafter regional body) of the Ministry of Environment and Natural Resources Protection of Georgia and of the Ministries of Environment and Natural Resources Protection of the Autonomous Republics of Abkhazia and Achara are obliged to carry out a procedure specified by this Article of this Law, which includes state ecological examination of the activity and public information on the proposed activity.

2. In order to inform the public, the regional bodies of the Ministry of Environment and Natural Resources protection of Georgia, as well as the Ministries of Environment and Natural Resources Protection of the Autonomous Republics of Abkhazia and Achara are obliged to ensure the publication of a brief annotation, submitted along with the application for the activity, in the press, within ten days after the receipt of application.

3. The copy of the application is kept at that organ of the Ministry of Environment and Natural Resources Protection (also at the Ministries of Environment and Natural Resources Protection of the Autonomous Republics of Abkhazia and Achara) where the examination of the valid documentation on the activity is proposed and where the representatives of public are given the opportunity to get to know the application (apart from an official, industrial or a commercial secrecy) within the whole period of examination, if they request so.

4. Two month term is designated as the maximum period for the examination of the valid documentation at the regional bodies of the Ministry of Environment and Natural Resources Protection and at the Ministries of Environment and Natural Resources Protection of the Autonomous Republics of Abkhazia and Achara, within this term the regional bodies of the Ministry of Environment and Natural Resources Protection of Georgia and the Ministries of Environment and Natural Resources Protection of the Autonomous Republics of Abkhazia and Achara are obliged to:

- carry out state ecological examination of the valid documentation on the activity;
- clear up if the activity or its part corresponds to the laws of Georgia;

- clear up if the activity or its part corresponds to the standards of environmental protection operating in Georgia;
- define the measures, elaboration of which is necessary in the event of the fulfillment of the activity in order to mitigate the impact on the environment;
- take decision on the issuance of an environmental permit on the basis of the decision of state ecological examination.

**Article 10. Procedure of Issuance of Environmental Permit for the Activity of the Fourth Category**

1. As from the date of the receipt of a complete application for an environmental permit for the activity of the fourth category regional or local bodies (hereinafter local body) of the Ministry of Environment and Natural Resources Protection of Georgia carry out a procedure specified by the law. The procedure includes state ecological examination.

2. A month is designated as a maximum term for the examination of the valid documentation on the activity at the regional or local body. Within this term the regional or local body is obliged to:

- carry out state ecological examination of the valid documentation on the activity;
- clear up if the activity or its part corresponds to the laws of Georgia;
- clear up if the activity or its part corresponds to the standards of environmental protection operating in Georgia;
- take decision on the issuance of an environmental permit on the basis of the decision of state ecological examination.

**Article 11. Foundation for the Refusal to Issue Environmental Permit**

1. The Ministry of Environment and Natural Resources Protection of Georgia, its regional or local bodies, as well as the Ministries of Environment and Natural Resources Protection of the Autonomous Republics of Abkhazia and Achara shall not grant the environmental permit for the activity if:

- a) in the performance of the activity the laws of Georgia are violated;
- b) in the performance of the activity the standards of environmental protection, operating in Georgia are violated and deterioration of the state of the environment at the site of the activity results from the use of the technologies, not corresponding to the technological standards provided by the legislation;
- c) fulfillment of the activity (for the infrastructure projects) is not reasonable because of its size, location and nature.
- d) as a result of the activity the standards of environmental protection are not violated, but the precedent of deterioration of the health of the population as a result of the analogous activity or part of it has been observed.

2. If the environmental permit is not granted, the Ministry of Environment and Natural Resources Protection of Georgia, its regional and local bodies and the Ministries of Environment and Natural Resources Protection of the Autonomous Republics of Abkhazia and Achara shall communicate the investor their decision along with the appropriate detailed validation after the expiry of the prescribed term (three months for the activity of the first category, activity, two months for the activity of the second and third categories, a month for the activity of the fourth category).

**Article 12. Foundation for Issuance of Environmental Permit**

1. The Ministry of Environment and Natural Resources Protection of Georgia, its regional or local bodies and the Ministries of Environment and Natural Resources Protection of the Autonomous Republics of Abkhazia and Achara shall grant the environmental permit for the activity if:

- a) In the fulfillment of the activity the laws of Georgia are not violated;
- b) In the fulfillment of the activity the standards of environmental protection, operating in Georgia are not violated;
- c) fulfillment of the activity is reasonable because of its nature, size or location (for infrastructure projects).

2. In the event, when it is observed that the standards of environmental protection, operating in Georgia are violated at the site of the activity as a result of the fulfillment of the activity and it results from the increase of total emission from different enterprises located at the site of the activity, but the use of the best technologies in the activity is proposed, then the investor will be given the right to fulfill the activity. The Ministry of Environment and Natural Resources Protection shall reexamine the limits of the total emission for the existing enterprises and prescribe the term, after expiry of which the existing enterprise is to observe the new limits of emission.

2. If a permit for the activity is granted, after the expiry of the prescribed term (three months for the activity of the first category two months for the activity of the second and third categories, a month for the activity of the fourth category) the Ministry of Environment and Natural Resources Protection of Georgia, its regional or local bodies and the Ministries of Environment and Natural Resources Protection of the Autonomous republics of Abkhazia and Achara shall deliver the investor their decision in writing and the list of those measures, fulfillment of which will be essential following the performance of the activity.

### **Article 13. Rights and Obligations of an Investor**

1. The investor is obliged to deliver the objective data about the proposed activity to the Ministry of Environment and Natural Resources Protection of Georgia, to its regional or local bodies, to the Ministries of Environment and Natural Resources Protection of the Autonomous Republics of Abkhazia and Achara and to consulting office (for the activity of the first category).

The investor shall be charged responsibility if he delivers false information.

2. In the event when the environmental permit for the activity has been obtained, the investor is obliged to:

- a) carry out the activity stipulated by the valid documentation in accordance with the conditions of state ecological examination;
- b) after the beginning of implementation of the activity take the measures mitigating the impact on the environment, which are considered essential by the Ministry of environment and Natural Resources Protection of Georgia, by the regional or local bodies or by the Ministries of Environment and Natural Resources Protection of the Autonomous Republics of Abkhazia and Achara.

3. The investor is entitled, on the basis of tender, to choose the consulting office in order to carry out environmental impact assessment.

4 In the event when the investor does not agree with the decision by the Ministry of Environment and Natural Resources Protection of Georgia, by its regional or local bodies or by the Ministries of Environment and Natural resources Protection of the Autonomous Republics of Abkhazia and Achara, the investor is given the right to apply for the court.

## **CHAPTER III**

### **Environmental Impact Assessment (EIA)**

## **Article 14. Procedure of the Environmental Impact**

### **Assessment**

1. The procedure of the environmental impact assessment is defined by the Ministry of Environment and Natural Resources Protection of Georgia in accordance with the rule provided by the laws of Georgia.

Environmental impact assessment means to study and research the proposed activity in order to protect the particular elements of the environment and humans, as well as the landscape and cultural heritage.

2. The EIA studies, reveals and describes direct or indirect effects of the activity on the health and security of humans, plants and animal world, soil, air, water, climate, landscape, ecosystems and historical monuments or on the relationship among all these factors, including the potential effects all those factors on cultural heritage and on social and economic factors (for infrastructure projects).

3. In accordance with this Law, the EIA is the important and essential part of the decision-making on the issuance of an environmental permit, if the activity proposed by the investor is considered as the activity of the first category. It is prohibited to grant environmental permit for the activity of the first category without the EIA, apart from the events specified in paragraph 4 of Article 14 of this Law.

4. The activity may be exempt from the EIA if:

- the investor repeats or continues the activity, which was begun before and a procedure of the EIA was carried out for that time and reiteration of it will not give the extra information.

- because of the state interests it is necessary the activity to be begun and the decision about it to be taken at once;

Decision on the exemption of the activity from the EIA is taken, at the request of the investor, by the special council for the EIA. The structure and function of this council is defined by the Ministry of Environment and Natural Resources Protection of Georgia.

The decision by the council is approved by the Minister of Environment and Natural Resources Protection of Georgia.

5. Consulting office is, in accordance with the laws of Georgia, responsible for the objectivity of the EIA.

6. The Ministry of Environment and Natural Resources Protection of Georgia, its regional or local bodies, the Ministries of Environment and Natural Resources Protection of the Autonomous Republics of Abkhazia and Achara are responsible for the conformity of the EIA results with the legislation and environmental protection standards. The executors of state ecological examination are, in accordance with the laws of Georgia, responsible for the objectivity of the examination.

7. The costs necessary for the procedure of the EIA must be covered by the investor.

### **Article 15. Terms to Conduct Public Review of the EPA**

1. The investor is entitled to conduct a public review of the EIA in the course of the EIA.

2. The investor is entitled to ensure publication of information on the date and place of a review.

3. The review may be conducted in public. Every interested representative of public can attend the review.

4. The review may be conducted at the administrative center of the district where the fulfillment of the activity is proposed.

### **Article 16. Participation of the Representatives of Public**

#### **in the EIA.**

1. Representatives of public are entitled to deliver the investor their opinions and remarks in relation with the activity of the first category.

2. In order to take into consideration the viewpoint of the public and ensure participation of it in the process, the investor is obliged to get to know the written opinions and remarks, related to the activity of the first category, sent by the representatives of public and take their arguments into consideration in the registration of valid documentation.

3. Representatives of public are entitled to, on their expenses, carry out the independent EIA for the activity of the first category and submit it to the body granting the environment permit.

4. The results of the independent EIA must be taken into consideration in the decision-making on the issuance of an environmental permit for the activity of the first category.

5. If the representative of public considers that his or her rights have been violated, he or she is entitled to apply for the court.

**Article 17. Refusal to Give the Information in the Event  
of the Activity of the First Category**

1. The investor (within the public review related to the planning of the activity of the first and second categories and to the EIA) is entitled not to give the information (along with appropriate validation) only in the event if:

- a) the required information includes an official, industrial or a commercial secrecy;
- b) appropriate research related to the EIA has not been completed yet, information is not improved and does not describe the real situation.

2. Representative of public is entitled to apply for the court if he or she is rejected to obtain the information.

**Article 18. Rule to Finance a Procedure of Issuance  
of Environmental Permit**

The costs essential for conducting of a procedure of the issuance of an environmental permit is financed in accordance with the laws of Georgia.

**Article 19. Responsibility for Violation of the Law "On  
Environmental Permit"**

Violation of this Law shall be charged the responsibility in accordance with the laws of Georgia.

**The President of Georgia  
Shevardnadze.**

**Eduard**

**Tbilisi**

**October 15, 1996.**